STATE OF NEW YORK

517--B

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sens. KRUEGER, BAILEY, BENJAMIN, BIAGGI, BRESLIN, CARLUCCI, COMRIE, HOYLMAN, JACKSON, KAPLAN, LIU, MAY, MAYER, METZGER, PARKER, PERSAUD, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing amendments to section 11 of article 1 of the constitution, in relation to equality of rights and protection against discrimination

Section 1. Resolved (if the Assembly concur), That section 11 of article 1 of the constitution be amended to read as follows:

§ 11. **(a)** No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, **ethnicity, national origin, age, disability,** creed [~~or~~]**,** religion, **or sex including pregnancy, sexual orientation, gender identity or expression,** be subjected to any discrimination in **or to any denial or abridgment of** his or her **equal** civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state. **The words "civil rights" mean any right that impacts the equal opportunity of all the people of New York to enjoy a full and productive life.**

(b) This section shall not be construed to:

(1) preclude bona fide qualifications for a job, position, benefit or service in a particular capacity if authorized by law with respect to disability or age; or

(2) preclude reasonable accommodation with respect to disability or pregnancy; or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(3) preclude a private educational institution that has a policy of educating students of one sex or religion from limiting enrollment to that sex or religion if so authorized by law; or

(4) modify the requirements of section three of this article; or

(5) invalidate or prevent the adoption of any law, regulation, program or activity that has as its purpose the amelioration of conditions of historically disadvantaged individuals or communities.

(c) (1) Nothing in this section shall be interpreted as prohibiting legislative action which must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.

(2) If any part of this section, or any action taken to enforce this section, be finally declared invalid under federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for three months previous to the time of such election.